

In re: Whitehouse
Appl No.: 09/771,302
Filed: January 26, 2001
Page 4

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cont
second unit dose is not required for about 6 months.--

REMARKS

Claims 1-34 have been canceled without prejudice or disclaimer of the subject matter contained therein. As indicated in the telephone interview with the Examiner on September 5, 2002, claims having conflicting subject matter with that encompassed by claims 10-34 of the present application will be issuing in the copending parent application, U.S. Serial No. 09/385,114, and claims having conflicting subject matter with that encompassed by claims 1-9 of the present application are now being pursued in copending application U.S. Serial No. 10/184,708, which is a continuation application of the copending parent application, U.S. Serial No. 09/385,114. In view of this conflicting subject matter, Applicants hereby cancel claims 1-34 in the present application and present new claims 35-51.

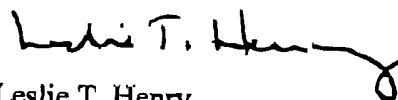
The new claims are directed to a method for treating a human patient for congestive heart failure, which is one of the clinical indications exhibited by patients with coronary artery disease. Support for the new claims resides in the originally filed claims and throughout the specification. See, for example, page 41, lines 18-24, in the next-to-last paragraph before the Examples, and pages 66-67, in the last paragraph before the claims, where the therapeutic benefits of FGF-2 administered in accordance with the methods of the invention are described for the sub-population of CAD patients with congestive heart failure who participated in the clinical trial described in the present application. No new matter is added by way of presentation of these claims.

Claims 35-52 are now pending in the application. The Examiner is respectfully requested to enter these amendments to the claims prior to the substantive examination of this application on its merits. Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

In re: Whitehouse
Appl No.: 09/771,302
Filed: January 26, 2001
Page 5

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR §1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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I hereby certify that this correspondence is being:

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☐ deposited with the United States Postal service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231 on September _____, 2000.

FACSIMILE

☒ facsimile transmitted to Examiner Regina M. Deberry at the Patent and Trademark Office at 703-308-0294, on September 6, 2002.



Tracey S. Wright

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